IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.110 of 2004

Smt. Divya D. Tiwari @
Kavita Shridhar Edekar .. Appellant

vs.

Deepak R. Tiwari ..Respondent.

Advocate for the Appellant.

None for the Respondent.

CORAM : A.S.OKA, J.

DATED : 22nd March, 2005.

P.C. :

1. On 11.1.2005 Notice for final disposal was issued. office noting shows that the Respondent is duly served with the notice. None appears for the Respondent.

2. This application is filed by the Applicant wife for transfer of the petition under Section 9 of the Hindu Marriage Act filed by the Respondent husband which is pending in the family Court at Pune. The case of the applicant is that she is staying in Mumbai alongwith her parents and she

has taken up the job a in Mumbai. The age of the son of the Applicant is about three years and the son is in the custody of the Applicant. It is stated in the application that is is not possible for the Applicant to attend the proceeding in the family Court at Pune on every date considering the fact that she is employed in Mumbai and that she has a minor son to look after.

3. In paragraph No.7 of the Application it is pointed out that Respondent visits Mumbai by his own car atleast four days in a week and he is meeting the minor son in Mumbai.

4. There is no reply filed to the application. Hence case for transfer is made out. As held by the Apex Court in such matters convenience of wife is to be seen.

5. Hence application is allowed in terms of prayer clause (a).

6. The concerned Court will issue notice to both the parties of the date fixed for hearing

after the record and proceeding is received.

. No order as to costs.

. Parties and the concerned Court to act on the authenticated copy of this order.

(A.S.Oka, J.)